

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MYRDUS ARCHIE,

Petitioner,

vs.

SHERYL FOSTER, *et al.*,

Respondents.

2:10-CV-01968-RLH-NJK

ORDER

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. Before the court is petitioner's motion to withdraw counsel (ECF #27). Respondents have not opposed the motion.

Petitioner asks the court to grant the motion to withdraw current counsel, Beau Sterling, and to appoint new counsel. She lists several reasons why she has filed this motion, including very limited contact with her current counsel and counsel's failure to keep her informed of the status of her case (apparently she refers to her state-court proceedings), which she asserts have created "unfair prejudice and obstacles." Good cause appearing, in the interests of justice, petitioner's motion to withdraw counsel is granted.

The court's Criminal Justice Act designee has located new counsel, Todd M. Leventhal, 600 S. Third St., Las Vegas, NV 89101, tel: (702)472-8686, who is willing to be appointed to represent the petitioner herein.

IT IS THEREFORE ORDERED that Beau Sterling **is released as counsel.**

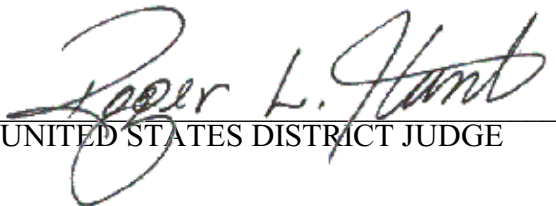
1 **IT IS FURTHER ORDERED** that Todd M. Leventhal is **APPOINTED** to represent
2 the petitioner herein. Mr. Leventhal is a Criminal Justice Act panel attorney for the United States
3 District Court, District of Nevada. Mr. Leventhal shall represent petitioner in all future proceedings in
4 this court relating to this matter (including subsequent actions) and appeals therefrom, pursuant to 18.
5 U.S.C. Section 3006A (a)(2)(B), until allowed to withdraw.

6 **IT IS FURTHER ORDERED** that CJA counsel for petitioner shall meet with petitioner
7 as soon as reasonably possible to: (a) review the procedures applicable in cases under 28 U.S.C. Section
8 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas
9 corpus relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus
10 relief must be raised at this time and that the failure to do so will likely result in the omitted grounds
11 being barred from future review under the rules regarding abuse of writ.

12 **IT IS FURTHER ORDERED** that counsel for petitioner and counsel for respondents
13 shall within forty-five (45) days file a joint statement describing what portions of petitioner's state court
14 record have been obtained and what portions are missing. Counsel for respondents should make
15 available to counsel for petitioner (photocopying costs at the latter's expense), as soon as reasonably
16 possible, a copy of whatever portions of the state court record they possess regarding the judgment
17 petitioner is challenging herein.

18 **IT IS FURTHER ORDERED** that counsel for petitioner shall file an amended petition
19 for writ of habeas corpus within ninety (90) days, which shall include all known grounds for relief (both
20 exhausted and unexhausted). Respondent shall have thirty (30) days after the filing of the amended
21 petition within which to answer, or otherwise respond to, the amended petition.

22 Dated this 25th day of July, 2013.

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26 UNITED STATES DISTRICT JUDGE